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POLITICAL STRUCTURE OF THE THIRD REICH

by

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INTRODUCTION

THE most spectacular achievement of the Hitler régime is the unification of Germany and the centralization of power in the hands of the Reich government; during his relatively brief tenure of office, Hitler has apparently completed the work begun by Bismarck. Furthermore, the Nazis have — at least on paper — unified the German people to a surprising degree: instead of the twenty-odd political parties which existed in the Republic, the National Socialists are now the only legal political group in the Reich.

Despite the methods of suppression and intimidation by which this process of unification was accomplished, there is no question but that a large part of the German people have been genuinely enthusiastic in their support of the Nazi revolution, filled with a spirit of almost religious fervor and hope for the future. Recently, however, certain signs have indicated that the first flush of enthusiasm is beginning to fade. Within the party itself a growing rift has appeared between the more moderate elements, who consider that the revolution is over, and the radicals, who are becoming increasingly impatient because the Hitler régime has not yet effected fundamental changes in the social and economic system.

This rift also affects the leaders of the Nazi movement. Goering, Frick, Schmitt and the former Nationalists who continue to hold portfolios in the Hitler government represent the moderate view, while Goebbels, Reventlow, Ley (leader of the Labor Front) and Darré (Minister of Agriculture) advocate more extreme measures. Hitler's position is not yet clear. Before his advent to power, he promised everything to everyone, and despite the obvious contradictions between many of these pledges his followers believed in the sincerity of his vague "socialism." Now that he has become the responsible dictator of the Third Reich, he appears embarrassed by the impossibility of satisfying both the big industrialists whose financial backing made

possible his rise to power, and the Storm Troopers and their leaders who "won the streets" for the National Socialists and who are still the soldiers of the Nazi revolution. Among the Storm Troopers, moreover, are many former Communists and revolutionaries, while the fact that the majority of them are young, idealistic and impetuous accentuates their radicalism. The position of the Nazi *Gau* leaders is also important for they are extremely powerful in the local districts which they administer, theoretically, in Hitler's name. To these men, retention of power is probably more important than ideal social theories, and their stand in case of a future show-down between the forces of the Right and Left is problematical.

The situation has, meanwhile, been aggravated by increasing economic and financial difficulties, particularly the loss of foreign trade. There is an obvious contradiction between Nazi theories of self-sufficiency and Germany's dependence on the outside world for raw materials. The radical masses, however, are concerned only with what they consider the slow tempo at which the revolution is progressing and are becoming restive as the cost of living rises while wages decline. Unemployment has undoubtedly decreased, but the total of wages paid in the Reich has remained static. The industrialists, too, are dissatisfied, despite the fact that the Nazis have abolished the Trade Unions and done away with collective bargaining and many other hard-won rights of German labor.

Economic difficulties alone, however, are not responsible for the growing disillusionment. The repressive measures against Catholics and Protestants have disturbed many people who are politically Nazis, but who cannot accept the neo-paganism of the "German Christians." Observers believe that Hitler's anti-Semitic policy is losing its popular appeal except among the youth. It is reported also that the small bourgeoisie, for-

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merly the most ardent Nazi supporters, are beginning to resent constant interference by the state in their private lives, while economically their position has not improved. Furthermore, Nazi organization and control of all phases of German life has caused a great increase in bureaucratic red-tape, with attendant delays and difficulties.

Despite these signs of disillusionment among Nazi supporters, it would be a grave mistake to underestimate Hitler's personal hold on the German people. To the large majority he is apparently still a Messiah, and his leadership is unquestioned, although the future course of his government seems uncertain. In the Third Reich the inter-party political disputes, which in large measure were responsible for the destruction of the Republic, have become intra-party struggles within the National Socialist party. Because of his position as the Leader, Hitler's own course will probably determine that of the Third Reich. Will he yield to the conservative forces within the party or allied with it, hoping that Germany may still share in an improved world economic situation? Or will he listen to the radical wing of the party, and not only continue but intensify the domestic and foreign policies which alienated much world sympathy from Germany and diplomatically isolated the Reich?

NAZI CONCEPTION OF THE STATE

After almost eighteen months of National Socialist rule, the constitutional structure of the Third Reich is still fluid. During this period, however, Hitler has set up a totalitarian state—and has put into practice many of the fundamental tenets of Nazi political theory and *Weltanschauung* (conception of life;) whether or not these conceptions are eventually incorporated in a formal constitution, the structural foundations of the Third Reich have already been laid. The conceptions which form the guiding principles of Nazi Germany, and which presumably will be embodied in the new constitution, may be summarized as follows:

"It will be the task of the constitution to set forth as the central law the National Socialist *Weltanschauung*, the racial (*voelkisch*) ideal, the Nordic spirit of law (*Rechtsgeist*); these must once and for all become the foundation not only for the erection of our state and for all law but, more than that, they must be the guiding principles in the entire life of the people, in politics, education and culture It is this which

according to German and Nordic conception of life is considered as 'eternal law,' as unchangeable as the stars, and as the moral law which lives in every true German The true spirit of law springs from the soul of the people, from their sense of justice (*Rechtsgewissen*), from the racial soul of the people themselves."¹

This fundamental Nazi conception of law based on blood and race has formed the basis on which the new German state is being constructed. The measures of the Hitler government barring all Jews from German public life, practically excluding them from the professions, making it difficult for them to carry on commercial activities and limiting the number of Jewish students in universities and schools are directly in line with this policy.² Moreover, although no new citizenship law has as yet been promulgated, there have been indications that the Hitler régime intends eventually to regulate the holding of German citizenship according to the principle that "a German is a person of German descent and the determination of this descent is solely dependent on blood [race]."³ This principle will, in effect, mean the division of Germans into two categories: citizens and subjects of the Reich (*Reichsangehörige*)—the first class will possess all rights and advantages as well as responsibilities; the second group will not be allowed even to call themselves "Germans."

Meanwhile, the Nazis have effected a complete political reorganization of the Reich.⁴ The Weimar constitution, however, still forms, at least theoretically, the legal basis of the German state although many official acts and decrees of the government have fundamentally altered or entirely suspended its provisions. It will be recalled that this instrument, which came into force on August 11, 1919, was often described as the most democratic in the world. According to its provisions, "the German Reich is a Republic."⁵ The political power emanates from the people." The Weimar constitution established parliamentary government on a broad democratic basis and introduced some interesting experiments in the fields of politics and social organization. It contained far-reaching and very liberal provisions for protection of the rights of individuals, and relaxed the old bonds between state and church. While the constitution altered the relations of the various German states to the Reich and greatly increased the powers which might be exercised solely by the central government, the continued predominance of

1. Dr. Helmut Nicolai, *Grundlagen der kommenden Verfassung; über den staatsrechtlichen Aufbau des Dritten Reiches* (Berlin, Hobbing, 1933), 5th edition, p. 17 et seq. The author is the leading Nazi official on constitutional matters and is reported to have been charged with drafting a new constitution for the Reich. For further references, cf. H. Holborn, "National Socialism in Germany: Short Bibliography," *International Affairs* (published by the Royal Institute of International Affairs), January-February 1934.

2. Cf. M. S. Wertheimer, "The Jews in the Third Reich," *Foreign Policy Reports*, October 11, 1933.

3. Nicolai, *Grundlagen der kommenden Verfassung*, cited, p. 27.

4. The economic structure of the Third Reich will be discussed in a future issue of *Foreign Policy Reports*.

5. The official *Nationalsozialistisches Jahrbuch*, 1934, published after the Nazis came to power, still listed Germany as a "Republic."

Prussia complicated domestic politics in Germany during the entire republican era.⁶

Although the Weimar constitution was one of the most democratic in the world, the German republican governments felt forced by stress of circumstances to make increasing use of one of its least democratic provisions—Article 48—which allowed the President of the Reich to govern by emergency decree, with the safeguard that all measures so promulgated must eventually be approved by the Reichstag. From October 1919 to September 1932, no less than 233 emergency decrees were issued under Article 48.⁷ During 1931 and 1932 the number of decrees promulgated greatly exceeded the laws passed directly by the Reichstag, and the increasing reliance placed by republican governments on Article 48, because of the long-drawn-out political deadlock in the Reich, provided a convenient precedent for the Nazis after the formation of the Hitler ministry on January 30, 1933. Hitler merely substituted direct dictatorship for the indirect dictatorship which had existed under Article 48.

ORGANIZATION OF THE PARTY

The National Revolution was made possible in large measure by the thorough organization of the National Socialist German Workers' party which covered every aspect of German life and in reality constituted a state within a state. This organization is based on the "leadership principle," a fundamental tenet of Nazi ideology. Hitler is, of course, the supreme leader of the party and of the Storm Troops. He has, however, a party cabinet consisting of seventeen men, each of whom is in turn director of one of the major bureaus or divisions of the party and many of whom are now members of the Reich cabinet or in charge of important Nazi projects. This cabinet is composed as follows:⁸

Rudolf Hess, Assistant to the Leader in all questions of party leadership; director of the Political Central Commission; now Reich Minister without Portfolio.

Ernst Roehm, Chief of Staff of the Storm Troops; now Reich Minister without Portfolio.

Heinrich Himmler, Reich leader of the *Schutzstaffel* (protective corps, or party guard); now head of the Secret Police.

Franz Xaver Schwarz, Reich treasurer of the party.

Philipp Bouhler, Reich business manager of the party.

Walter Buch, Chairman of the Reich Inspection and Arbitration Committee (*Untersuchungs und Schlichtungs-Ausschuss*).

Wilhelm Grimm, Chairman of the second chamber of the Reich Inspection and Arbitration Committee.

Dr. Robert Ley, Staff Director of the Political Organization; now head of the German Labor Front.

Dr. Walther Darré, Director of the Agricultural-Political Bureau; now Reich and Prussian Minister of Agriculture.

Dr. Joseph Goebbels, Reich propaganda director; now Reich Minister of Propaganda.

Dr. Hans Frank II., Director of the legal department; now Reich Commissioner of Justice.

Dr. Otto Dietrich, Reich press chief.

Max Amann, Director of the Press Bureau.

Alfred Rosenberg, Director of the Foreign Policy Bureau.

Baldur von Schirach, Reich youth leader.

Ritter von Epp, Director of the Military Policy Bureau; now Reich Regent of Bavaria.

Karl Fiehler, Secretary of the National Socialist German Workers' Association (*Nationalsozialistischer Deutsche Arbeiterverein*).

Each of these bureaus or divisions has a complete organization under it which is responsible for various phases of German life. The Political Organization, for instance, which is the most important and is under Hitler's supreme command, includes the Nazi cell organization which operates in industries and factories, the Nazi women's group, the Nazi civil servants' organization, and all the so-called "expert" (*Fachschaft*) groups—such as the Reich railways, post and telegraphs, tax administration, customs administration, workers' and charity bureaus, the Reichsbank, the police, justice and education. The other divisions are less far-reaching in scope, but all together form a network which covers all phases of German life.

Besides this all-inclusive organization of the party from the top, the Reich is divided into sections or *Gaue*, each of which is under the command of a so-called *Gauleiter* who is the party leader in his region. There are 32 of these *Gaue* in Germany proper, and a thirty-third, comprising Austria, is listed in the official Nazi handbook. The position of the *Gau* leaders is very important; in Bavaria they have recently (April 12, 1934) been attached to the state governments as political representatives of their local districts, with the right of attending cabinet meetings in an advisory capacity.⁹

The civilian organization of the National Socialist party is paralleled by Hitler's private army, the *Sturm Abteilung* or Storm Troops, and the smaller but more select *Schutzstaffel* or guard. Both groups are organized on a strictly military basis from squads to divisions, which correspond to the divisional organization of the *Reichswehr*, the divisions in turn being combined in regions (*Gruppen*), and super-regions (*Obergruppen*).¹⁰

9. *Voelkischer Beobachter*, April 13, 1934.

10. For details of the Storm Troop organization, cf. M. S. Wertheimer, "The Foreign Policy of the Third Reich," *Foreign Policy Reports*, March 28, 1934.

6. Cf. Gerhard Anschütz, *Die Verfassung des Deutschen Reichs von 11 August 1919* (Berlin, Stilke, 1933, 4th edition).

7. For a list of the emergency decrees promulgated between October 1919 and the end of September 1932, cf. Lindsay Rogers and others, "German Political Institutions II: Article 48," *Political Science Quarterly*, December 1932. For the proportion of laws to decrees, cf. Franz Medicus, "Programm der Reichsregierung und Ermächtigungsgesetz," *Das Recht der nationalen Revolution*, No. 1 (Berlin, Heymanns Verlag, 1933).

8. *Nationalsozialistisches Jahrbuch*, 1934, Hrsg. unter Mitwirkung der N.S.D.A.P. (Munich, Eher Verlag, 1933), p. 133 et seq.

CONSTITUTIONAL CHANGES MADE BY NAZIS

THE ENABLING ACT

Backed by this all-inclusive party organization, Hitler proceeded to change the fundamental bases of the Reich. The principal instrument through which the National Socialist revolution was effected was an Enabling Act which may be regarded as a provisional German constitution. The Act was passed by the Reichstag on March 23, 1933, only 94 Socialist deputies who were present voting against its acceptance. The parliament which took this action, however, was a rump body, for 81 Communists and 16 Socialists, all of whom had been duly elected on March 5, 1933, were absent from the session because they were fugitives abroad or had been imprisoned by the Nazis. The exclusion of these deputies may perhaps be regarded as a violation of the spirit of the Weimar constitution. Nevertheless, it would seem that even if all the 647 Reichstag deputies had been present, the Hitler government would have been able to achieve the two-thirds majority necessary to pass a constitutional amendment, as doubtless only the 81 Communists and 120 Socialists would have voted against the bill. The Act thus appears to be a constitutional measure, although in accepting it the Reichstag renounced its own legislative supremacy.

The Enabling Act, officially entitled the "Law to Combat the Misery of People and Reich," went into force on March 24, 1933. It provides:

"The Reichstag has enacted the following law which, with the consent of the Reichsrat¹¹ and after determination that the requirement for laws changing the constitution have been complied with, is hereby promulgated:

"Article 1. National laws can be enacted by the national cabinet as well as in accordance with the procedure established in the constitution. This applies also to the laws referred to in Article 85, paragraph 2,¹² and in Article 87¹³ of the constitution.

"Article 2. The national laws enacted by the national cabinet may deviate from the constitution in so far as they do not affect the position of the Reichstag and the Reichsrat. The powers of the President remain undisturbed.

"Article 3. The national laws enacted by the national cabinet are promulgated by the Chancellor and published in the *Reichsgesetzblatt*. They come into effect, unless otherwise specified, upon the day following their publication. Articles 68 to 77¹⁴ of the constitution do not apply to the laws enacted by the national cabinet.

11. The Reichsrat met immediately after the adjournment of the Reichstag session and adopted the Enabling Act on the same day, March 23, 1933. Medicus, *Programm der Reichsregierung und Ermächtigungsgesetz*, cited, p. 14.

12. This provided that "the budget shall be adopted by law before the beginning of the fiscal year."

13. Article 87 provided that "funds may be procured on credit only for extraordinary needs and as a rule only for expenditures for productive works. Such a procurement [*Beschaffung*] as well as the assumption of any liability by the Reich may be undertaken only by authority of a national law."

"Article 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation. The national cabinet is empowered to issue the necessary provisions for the execution of these treaties.

"Article 5. This law becomes effective on the day of its publication. It becomes invalid on April 1, 1937; it further becomes invalid when the present national cabinet is replaced by another."¹⁵

The official commentary on the Enabling Act states that its purpose is first of all to mark a definite departure from "negative parliamentarianism. Anonymous responsibility is replaced by the leaders' consciousness and willingness to take responsibility This law signifies the manifestation of the special confidence of an overwhelming majority of the Reichstag in the government of national concentration." It is pointed out, moreover, that the ordinary legislative organs provided in the Weimar constitution are in no way abolished, although in practice there is little expectation that they will be used.¹⁶ The possibility of issuing emergency decrees under Article 48 also continues in existence, although that power will probably seldom be exercised.

The Enabling Act permits the Reich government, according to the official commentary, to promulgate measures which extend beyond the limits imposed by the constitution, and "the chief significance of the new act lies above all in the fact that the Reich government may create new constitutional law which departs from previous constitutional law." Thus it is contended that the Reich government may legally set aside articles of the Weimar instrument.

There are apparently no limitations on the government's power of legislating by decree under the Enabling Act, except that the position of the Reichstag and the President cannot be affected and that the Act is to remain in force for a period of four years only. During that time the government may do anything it sees fit in order "to combat the misery of people and Reich." Despite the provision in the Act that it will become in-

14. These articles comprise practically the entire section of the Weimar constitution dealing with "National Legislation" and include provisions for introduction and initiation of bills into the Reichstag and Reichsrat, proclamation of laws by the Reich President and publication in the *Reichsgesetzblatt*. They cover also the procedure for popular referenda on legislation and the veto power of the Reichsrat. Finally, the power to amend the constitution through legislative action by a two-thirds vote of the Reichstag and the Reichsrat, which is provided for in Article 76 of the Weimar instrument, is not applicable to laws promulgated under the Enabling Act.

15. The following analysis of the Enabling Act is based on the official commentary published in Medicus, *Programm der Reichsregierung und Ermächtigungsgesetz*, cited. For English text, cf. J. K. Pollock and H. J. Heneman, *The Hitler Decrees* (Ann Arbor, George Wahr, 1934); German texts, Medicus, *Programm der Reichsregierung und Ermächtigungsgesetz*, cited; Werner Hoche, *Die Gesetzgebung des Kabinetts Hitler* (Berlin, Vahlen Verlag, 1933), Vol. I, p. 23 et seq.; *Reichsgesetzblatt*, 1933, I, p. 141.

16. Actually they have been superseded, and the Reichsrat has been abolished. Cf. p. 102.

valid when the present national cabinet is replaced by another, the resignation of Dr. Hugenberg from the Ministries of Economics and Agriculture on June 27, 1933 in no way changed the status of the Hitler government. The German Nationalists, at the time of Dr. Hugenberg's resignation, maintained that this action voided the Enabling Act, but their protests were disregarded. On December 1, two Nazis—Captain Roehm and Rudolf Hess—were appointed Ministers without Portfolio in the Reich government. The official commentary explains at some length that it would minimize the strength and importance of the government of national concentration to consider that the resignation of one or another Minister might invalidate the Enabling Act. Apparently the same interpretation applies to the appointment of new Ministers.

In financial matters, the Enabling Act sets aside the provision of the constitution which stated that "the budget shall be adopted by law before the beginning of the fiscal year,"¹⁸ the official commentary pointing out that the budget law was law in "form" but in reality merely an administrative measure. The same interpretation is applied to the borrowing power of the state,¹⁹ which the Enabling Act also places in the hands of the government. Thus the control of parliament over finances has been abolished.

Similarly, the authority of the Reichstag in foreign affairs over ratification of treaties has been abrogated by the Enabling Act. If the execution of treaties requires the passage of legislation by the Reichstag or the Reichsrat, according to Article 4, paragraph 2, of the Enabling Act, this function may now be undertaken by the Reich government. No mention is made in the official commentary of the important second paragraph of Article 45 of the Weimar constitution—"Declaration of war and conclusion of peace shall be made by national law." Doubtless the Reich government has the supreme power here also, but since the Reichstag as at present constituted consists almost entirely of members of the National Socialist party its consent would be a foregone conclusion. Moreover, although the President of the Reich must still abide by Article 50 of the Weimar constitution which provides that all his orders and decrees must be countersigned by the Chancellor or by the competent national minister, under the Enabling Act the Chancellor is empowered to promulgate laws without any counter-signature. The official commentary points out, however, that "nevertheless the Reich government evidently intends to follow the former procedure of counter-signature by the responsible minister or ministers concerned."

18. Article 85, paragraph 2.

19. Article 87.

Finally, it appears that at the time the Enabling Act was passed the Hitler government intended, as far as possible, to keep the Reichstag and Reichsrat in existence even though these bodies were shorn of their powers. Hitler called the Reichstag together several times after March 23, 1933 to listen to important pronouncements on foreign policy. On February 14, 1934, however, the government issued a decree abolishing the Reichsrat which, as the direct representative of the German states (*Länder*) had become superfluous. Although the Enabling Act had specifically provided that the position of the Reichstag and the Reichsrat could not be altered by laws enacted by the national government, a later law promulgated on January 30, 1934²⁰ gave the government power to "determine new constitutional law." The Reichsrat apparently was abolished under this authorization.

COORDINATION OF STATES WITH REICH

The abolition of the Reichsrat is only one example of the revolutionary changes which have been made during the past year by the Hitler government in the relations between the Reich and its component states. As a result of various measures culminating in the law passed on January 30, 1934—the first anniversary of Hitler's accession to power—Germany has now become a completely unified and centralized state which offers a striking contrast to the federal character of the Empire and the Republic. Within the short space of one year, Hitler apparently completed the task of German unification inaugurated by Bismarck with the proclamation of the German Empire at Versailles in 1871.

Four measures promulgated by the Nazis form the main constitutional basis for the unified German Reich: the provisional law coordinating the states with the Reich, March 31, 1933; the second law coordinating the states with the Reich, known as the Reich Regents Law, April 7, 1933; the law concerning the new organization of the Reich, January 30, 1934; and the decree abolishing the Reichsrat, February 14, 1934. Only the third of these measures was passed by the ordinary legislative organs of the Reich, the others having been promulgated by the Hitler government under the power vested in it by the Enabling Act.

The provisional law²¹ came into force on April 3. Under its terms the state governments were empowered to enact state laws in the same manner as the Reich government

20. For text of law, cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, Vol. 6, p. 22 et seq.; cf. p. 104.

21. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 14 et seq.; for German texts, cf. Georg Kaisenberg, "Gleichschaltung der Länder mit dem Reich," *Das Recht der national Revolution*, No. 2 (Berlin, Carl Heymanns Verlag, 1933); Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, Vol. I, p. 23 et seq.; *Reichsgesetzblatt*, I (1933), p. 153.

acting under the terms of the Enabling Act. The state governments, moreover, were also allowed to promulgate measures deviating from the state constitutions. Thus the state governments were apparently limited to taking measures which primarily concerned administrative matters only. Although the state legislatures or diets were to remain intact, with the exception of the Prussian Diet which was elected on March 5, 1933, all of them were dissolved and ordered newly constituted "according to the number of votes which, in the election to the German Reichstag on March 5, 1933, were cast within each state for each party list." The law stated explicitly, however, that the Communist seats would not be apportioned and that the same ruling applied to "lists of electoral groups which are regarded as appendages of the Communist party."²² The diets in many of the states, moreover, were reduced in size in order to simplify legislation and effect economies. In the same fashion the local representative bodies were dissolved and reconstituted and both were, according to the provisional law, chosen for a period of four years. The life of the state and local diets was to terminate automatically in case of dissolution of the Reichstag. Thus the Nazis secured the proportion of mandates in the state and local groups which they held in the Reichstag elected on March 5 and, with the exclusion of the Communists, had a majority throughout the Reich.

This first law laid the foundations for coordination of the states with the Reich. The second law, promulgated on April 7, 1933, represented an even longer step toward the goal of complete unification of the Reich. This law, which places the states under the control of regents appointed by Hitler, is known as the Reich Regents Law.²³ It applies to all the German states with the exception of Prussia where the Reich Chancellor exercises the rights appertaining to a regent, although he may transfer them to an appointee. The regents are entrusted with the task of "requiring the observance of the general policy laid down by the Chancellor" and have the power to appoint and remove the head of a state cabinet; to grant pardons; to promulgate the state laws; to appoint and dismiss lower state officials and judges "upon the proposal of the state cabinet and so far as this was formerly performed by the highest state officials." The regents may be re-

called at any time by the Reich Chancellor to whom they are responsible.

With the promulgation of the two laws for coordinating the Reich and the states, all possibility of political opposition or even individual policy on the part of a state government has been removed. "Sovereignty of the states" as it had existed under both the Empire and the Republic has been abolished: the Reich Chancellor now determines policy for both Reich and states. With the promulgation of the Regents Law, German "federalism" ceased to be; the separate states, however, continued to exist as administrative units, although the new law in practice transferred their sovereign rights to the Reich.

The regents are regarded as political appointees and not as civil servants; they are paid by the Reich,²⁴ not by the state to which they are appointed. "The regent is a political subordinate leader of the political leader. It accords with the structure of the present state that *Gauleiter*²⁵ of the National Socialist German Workers' party should be appointed as regents. The Reich regent is to a particularly high degree an instrument of coordination and, therefore, is bound to the Reich Chancellor by special discipline and loyalty. His service and office takes on significance and dignity through his discipline and loyalty to the political leadership of the Reich Chancellor."²⁶ According to the official commentary, the authority of the regent has a three-fold legal basis. In the first place, through his primary task of coordination, he forms, in his person, the connecting bond between Reich and state. In the second place, the regent holds authority over the state government through his power to appoint and dismiss the president of that government, and his right of pardon. The official commentary states that these rights enable him to prevent political abuses. In the third place, the regent has the power to prepare and proclaim all the state laws. Finally, the relations of a state with the *Reichswehr*, or national army, are exclusively in the hands of the regent. In contrast to the situation existing under the Weimar constitution, which gave a state government no right to call on the *Reichswehr*, the regent now has the following power:²⁷

24. The salaries were fixed by a decree of June 2, 1933 the provisions of which were retroactive to April 1, 1933. Reich regents in Bavaria, Saxony, Württemberg, Baden, Thuringia, Hesse, Oldenburg-Bremen, Hamburg, Brunswick-Anhalt, Mecklenburg-Schwerin, and Mecklenburg-Strelitz-Lübeck receive remuneration equal to the official salary of a Reich cabinet minister. The regent for Lippe and Schaumburg-Lippe receives an amount equal to the basic salary of a secretary of state in the Reich. The Reich regents are assigned an official residence but in cases where that is not possible they receive rent allowances. Cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 20; *Reichsgesetzblatt* (1933), No. 60, p. 330.

25. The Nazi leader of a *Gau*, or section of the Reich.

26. For official commentary, cf. Schmitt, "Das Reichsstatthaltergesetz," cited.

27. According to the *Reichswehr* law of July 20, 1933. *Reichsgesetzblatt* (1933), I, p. 526. Cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, III, p. 105.

22. The *Kampfgemeinschaft der Arbeiter und Bauern* and the *Sozialistische Kampfgemeinschaft* are cited in the official commentary as organizations coming under this ban. For the official commentary, cf. Kaisenberg, "Gleichschaltung der Länder mit dem Reich," cited.

23. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited; for German texts, cf. Carl Schmitt, "Das Reichsstatthaltergesetz," *Das Recht der nationalen Revolution*, No. 3 (Berlin, Carl Heymanns Verlag, 1933), which includes the official commentary; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, Vol. I, p. 29 et seq.; *Reichsgesetzblatt*, I (1933), p. 173, 226, 293.

"In case of public emergency or of a threat to public order the military forces [of the Reich] must render assistance at the request of the Reich regent, or, in the case of Prussia, of the Reich Chancellor or officials designated by him."

In Prussia, comprising three-fifths of the Reich, the "dualism" which characterized the relations of the Reich and Prussia under the Republic is greatly weakened. It has apparently been replaced by a return to the "personal union" between the two régimes which existed under the Empire. The Reich Chancellor may, however, delegate his powers of legislation, appointment and pardon to a Minister President of Prussia who, in turn, may delegate them further.²⁸ The delegation of power by the Chancellor, however, is revocable by him at any time. Prussia differs also from the other states in that members of the Reich government may at the same time be ministers in the Prussian cabinet, which makes it possible to avoid considerable administrative duplication by a "personal union" of the Reich and Prussian ministries. In general, the law is interpreted to mean that the historical rôle of Prussia as "the political destiny of the Reich" has been recognized, and that Prussia is now an indissoluble part of the Reich.²⁹

It is clear that the two laws coordinating the states with the Reich fundamentally alter the previous constitutional structure of Germany. The official commentary states that new constitutional law has been created by these measures which cannot be regarded as merely supplementing and amplifying the provisions of the Weimar instrument, but which formally replace the old law and place the relations of the Reich with its component states on a new foundation. On the whole, however, German state and constitutional law remains in flux, and Nazi commentators themselves declare that further fundamental revision is still necessary.

The two laws coordinating the states with the Reich were promulgated shortly after the Nazis came to power. The dissolution of the Reichstag on October 14, 1933, after Germany's withdrawal from Geneva, was of course automatically accompanied by dissolution of all the state diets under the terms of the provisional coordination law. No new elections were decreed for the state legislatures, however, although a new Reichstag was elected on November 12 simultaneously with the plebiscite on foreign policy. In this

28. Hitler appointed General Goering as Minister President of Prussia on April 11, 1933 and delegated his powers to him. On July 8, 1933 Goering established a Prussian *Staatsrat*, designed to advise the Prussian ministry concerning state business. The fifty members of the *Staatsrat* are appointed by the Minister President of Prussia and his Cabinet. Many observers view this act as a move to strengthen the Prussian state and preserve its identity as well as Goering's power. Cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, III, p. 73 et seq.; Pollock and Heneman, *The Hitler Decrees*, cited, p. 41 et seq.

29. Otto Koellreutter, "Die nationale Revolution und die Reichsreform," *Das Recht der nationalen Revolution*, No. 6 (Berlin, Carl Heymanns Verlag, 1933).

"election," reflecting the suppression or dissolution of all German political parties except the National Socialist, 92 per cent of the qualified voters backed the government.³⁰ At the same time, 93 per cent voted to support Hitler's foreign policy.

When the new Reichstag met on January 30, 1934—the first anniversary of Hitler's accession to power—to hear the Chancellor's account of his stewardship, the government, emboldened by the results of the November 12 poll, introduced a bill finally regulating the relations of the Reich with the states. This measure was unanimously voted by the Reichstag on January 30, and on the same day accepted by the Reichsrat as well—apparently the last official act of the latter body before it was abolished on February 14. The new law, which completes the process of transferring to the Reich all the sovereign powers of the states, provides as follows:³¹

"The plebiscite and the Reichstag elections of November 12, 1933 have proved that the German people has been blended into an indissoluble unity which has done away with all inner political barriers and differences.

"The Reichstag has therefore unanimously accepted the following law, which, with the unanimous consent of the Reichsrat, is herewith proclaimed, after it has been established that the requirements for legislation changing the constitution have been complied with:

"Article 1. The popular representations of the states are abolished.

"Article 2. (1) The sovereign rights of the states are transferred to the Reich.

"(2) The state governments are subordinate to the Reich government.

"Article 3. The Reich regents are subordinate to the Reich Minister of the Interior.

"Article 4. The Reich government may determine new constitutional law.

"Article 5. The Reich Minister of the Interior issues the orders and regulations necessary to carry out the law.

"Article 6. This law goes into force on the day of its proclamation."

Thus the German states are to all intents and purposes abolished as political units, remaining only as administrative—and for the present—territorial entities: Germany has become, on paper at least, a politically centralized Reich.

The Reich Minister of the Interior, Dr. Frick, explaining the new law over the radio on January 31, declared:

"The historical task of our times is the creation of a strong national unitary state to replace the former federal state. There is no longer room in the new Germany for states (*Länder*) in the former sense or for state frontiers The state governments from today on are merely administrative bodies of the Reich According to the so-called Enabling Act . . . the Reich government was empowered to make certain constitutional changes, but was at the same time restricted to some extent The law concerning

30. Three million ballots cast were invalid, the only way in which opposition to the Hitler régime could be expressed.

31. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, VI, p. 11 et seq.; *Reichsgesetzblatt* (1934), I, p. 75.

the new structure of the Reich does away with these restrictions and gives the Reich government complete power to undertake the constitutional reconstruction of the Reich."³²

REFORM OF THE CIVIL SERVICE

The rapidity and thoroughness with which the Hitler régime was able to consolidate its power and alter the structure of the Reich was due in large part to its early and energetic action in reforming the civil service. After the 1918 revolution the victorious republican forces had failed to weed out the reactionary elements from the civil service, an omission which seriously weakened the Republic from its inception. The Nazis did not repeat this mistake. One of the first important measures promulgated by the Hitler government under the terms of the Enabling Act was a law for the "restoration of the civil service," which formed the basis for most of the subsequent restrictive action of the Nazis against Jews, liberals, pacifists, Socialists, Communists and others regarded by the Hitlerites as "enemies of the state." The civil service law was enacted on April 7, 1933 and went into force on the following day.³³ It provided that officials may be dismissed because of "political unreliability," insufficient training, or in order to simplify the civil service. Furthermore, the law contains the famous "Aryan clause," according to which officials are to be ousted if one of their grandparents was Jewish; this definition of a so-called "non-Aryan" has been applied to practically all phases of German life.³⁴

As a result of the Civil Service Law, many German judges were removed from the bench, despite the explicit provision concerning life tenure of office contained in the Weimar constitution and comprising one of the oldest principles of German law.³⁵ Nevertheless, no thoroughgoing changes were made in the system until April 24, 1934, when the Hitler government promulgated a law establishing a new People's Court which is in effect a revolutionary tribunal.³⁶ This law for the alteration of the penal code and penal procedure provides for a court composed of five judges, as hitherto in the Reich Supreme Court, except that in the new tribunal only the presiding judge and one other member of the court will be members of the judiciary. The other three, forming a ma-

jority on the bench, are to be laymen without legal training who are men of "special experience in combating subversive activities," appointed for five years by the Chancellor. There will be no appeal against the decisions of this court and its procedure is so designed as to be speedy and drastic. Its establishment is doubtless a direct result of the failure of the Reich Supreme Court to convict the three Bulgarian defendants and Ernst Torgler at the Reichstag fire trial in Leipzig during the last months of 1933.

CREATION OF A ONE-PARTY STATE

Even before the constitutional reorganization of the Reich was completed, the Hitler government effected political consolidation of its power by abolishing all German parties except the National Socialist. The Communist party was banned on March 31, 1933 by the provisional law for the coordination of the states with the Reich³⁷ which voided the Communist mandates in the Reichstag and Prussian Diet elected on March 5. Actually, however, no Communists had attended the sessions of the Reichstag held before the law of March 31 was promulgated by the government, for a large portion of the Communist deputies were in prison or refugees abroad.³⁸ The Social Democrats were next to come under the Nazi axe. Ninety-four of the 120 Socialist deputies elected to the Reichstag on March 5 had been present and had voted against the Enabling Act on March 23. The party received its death-blow, however, when on May 2 the Nazis seized control of the German trade unions, occupied the buildings and offices of the unions, arrested their principal leaders, seized the labor banks and cooperatives, and impounded the funds of leaders and unions. A government decree of July 7, 1933, abolishing the Socialist mandates in the Reichstag and the Prussian Diet,³⁹ and in all state and local organizations as well, legally terminated the existence of the once powerful Social Democratic party which had been officially banned on June 22 by order of Reich Minister of the Interior Frick.⁴⁰ The smaller State party (*Staatspartei*), which had been allied with the Socialists for the March 5 elections, was also wiped out⁴¹ by the July 7 decree. The ground for abolition of all these left and liberal groups was given by the Nazis as "high treason."

The dissolution of the less radical German parties occurred during the same period, al-

32. *Voelkischer Beobachter*, February 2, 1934.

33. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 21 et seq.; for German texts, Hans Seel, "Erneuerung des Berufsbeamtentums," *Das Recht der nationalen Revolution*, No. IV; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, I, p. 113 et seq.; *Reichsgesetzblatt* (1933), I, p. 175.

34. For a detailed discussion of the civil service law, cf. Wertheimer, "The Jews in the Third Reich," cited. The Aryan clause has not been applied so generally in business.

35. Article 104.

36. Published in the *Reichsgesetzblatt*, May 2, 1934. Cf. also *Frankfurter Zeitung*, May 3, 1934; *The Times* (London), May 3, 1934; *Manchester Guardian Weekly*, May 4, 1934.

37. According to Article 10 of this law. Cf. p. 102.

38. All property and funds of the Communist party and its affiliated organizations were seized by the state under a law of May 26, 1933. *Reichsgesetzblatt* (1933), I, p. 293; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, II, p. 224 et seq.; III, p. 374 et seq.

39. *Reichsgesetzblatt* (1933), I, p. 462; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, III, p. 49 et seq.

40. *Der Zeitspiegel*, July 2, 1933.

41. Medicus, "Programm der Reichsregierung und Ermächtigungsgesetz," cited.

though these right and middle political groups may be said to have committed suicide under pressure. During June 1933 repressive measures against the *Stahlhelm* (the Nationalist veterans' association) were reported in different parts of Germany, many of the *Stahlhelm* leaders were arrested and local units of the organization were dissolved. On June 21 the independent existence of the entire association was terminated and it was placed under Hitler's command.⁴² At the same time, other Nationalist organizations were dissolved by the Nazis, because of "absolute proof" that former Communists and other "enemies of the state" had joined these groups in large numbers.⁴³ Finally, on June 27 the Nationalist leader, Dr. Hugenberg, resigned from his post as Reich and Prussian Minister of Agriculture and Economics, and on the same day the German National Front which had taken the place of the Nationalist party soon after Hitler's advent to power declared itself dissolved. The act of dissolution was stated to have been taken "in full understanding with the Reich Chancellor and in recognition of the fact that the state based on political parties is no longer in existence."

The end of the other important German political parties followed almost immediately. The Nazis had already taken repressive action against the Catholic parties—the Center and the Bavarian People's party. Catholic organizations had been dissolved by

the secret police, meetings had been disrupted and some of the Catholic leaders had been taken into custody. Finally on July 4 the Bavarian People's party voted to dissolve itself, and on the following day the important Center party, which had held the balance of power in almost every republican ministry and had played a great rôle under the Empire, followed suit. The German People's party, once led by Dr. Stresemann, terminated its life on July 4.⁴⁴

As a result of the Nazi dissolution of the Communist, Social Democratic and State parties and of the suicide of the other political groups in the Reich, the law promulgated by the Hitler government on July 14, 1933—which provided that the National Socialist was the only political party in Germany—merely recorded an already accomplished fact.⁴⁵ This law prescribed severe punishment for attempts to form any new political party.

Thus the Nazi party became the German state after Hitler had been in power only six months. The Nazi leaders waited another five months, however—until December 1, 1933—before promulgating a further law which legalized the existing situation, clarified the relations between the Nazi party organizations and the state itself,⁴⁶ and appointed Captain Ernst Roehm, Chief of Staff of the Storm Troops, and Rudolf Hess, Hitler's assistant, Ministers without Portfolio in the Reich Cabinet.

THE "COORDINATION OF CULTURE"

Nazi organization of culture is as complete as their coordination of all political life. All German cultural activities except the educational system have been concentrated under the direction of Dr. Goebbels, Reich Minister of Enlightenment and Propaganda,⁴⁷ who deals "with all measures of mental influence upon the nation, the publicity for state, culture and business, the instruction of the public at home and abroad concerning these activities . . ." In Dr. Goebbels' purview are included "information and enlightenment abroad as well as art exhibits, films and sports activities outside the Reich."

In Germany, all phases of "culture" have been united in a so-called Reich Culture

Chamber (*Reichkulturkammer*), set up by a law promulgated on September 22, 1933,⁴⁸ and headed by Dr. Goebbels. The law established six separate "chambers" comprising writers, press, radio, theatre, music and the arts, all of which are united to constitute the Reich Culture Chamber. A seventh chamber for motion pictures also forms a component part of the Reich group. The official explanation of the cultural set-up declares:

" . . . for the National Socialist state, culture is the concern of the nation. It is the task of the state to fight against harmful forces within the

42. Apparently this early change in the status of the *Stahlhelm* was not entirely effective, for it was announced on March 27, 1934 that the organization had again been completely revamped, and renamed the "National Socialist German Veterans' Association (*Stahlhelm*)."⁴³ Seidte remains as leader of the new association and all men who joined the *Stahlhelm* before January 30, 1933 are automatically eligible for membership in it. Those who joined after Hitler's accession to power must be specially investigated. The reorganized veterans' association is to be absorbed into the Storm Troops and has apparently lost its separate identity. Cf. *Voelkischer Beobachter*, March 29, 30, 1934.

43. *Der Zeitspiegel*, July 2, 1933.

44. *Ibid.*, July 23, 1933.

45. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 34; for German texts, cf. *Reichsgesetzblatt* (1933), I, p. 479; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, III, p. 66 et seq.

46. This justification of the law was published in the official *Reichsanzeiger*, No. 284, 1933. For English text of the law, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 34 et seq.; for German texts, cf. *Reichsgesetzblatt* (1933), I, p. 1016; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, V, p. 60 et seq.

47. This Ministry was created by a decree of March 13, 1933. (Cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, I, p. 42.) Its functions were defined in a decree of June 30, 1933. (*Ibid.*, III, p. 77.) For English texts, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 27 et seq.

48. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 29; for German texts, cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, IV, p. 527 et seq.; *Reichsgesetzblatt* (1933), I, p. 661. For Film Chamber decree of July 14, 1933, cf. Hoche, cited, III, p. 377, 379.

cultural field and to assist valuable elements, judging these by the measure of the feeling of responsibility displayed toward the national community. In this sense, creative art remains personal and free. It is, however, necessary in order to carry on a policy of German culture, to unite creative artists in all their respective fields under the leadership of the Reich, so as to coordinate their efforts to a unified and organized purpose The Reich, therefore, must not only determine the intellectual course but must lead and amalgamate the professional organizations."⁴⁹

CONTROL OF THE PRESS

The press is the most important of the professional groups now under Dr. Goebbels' control. The Fourth Estate has been reorganized and completely coordinated by a press law (*Schriftleitergesetz*) promulgated by the Reich government on October 4, 1933,⁵⁰ which went into force on January 1, 1934. This law applies to all political printed matter appearing periodically in the Reich, including illustrated papers and news agencies. The only publications exempt from regulation are those put out officially, the Minister of Enlightenment and Propaganda determining which publications are "political" in the sense of the press law.

All journalists are entitled "editors" (*Schriftleiter*) by the law in order to connote the importance and responsibility to the state inherent in the profession. Persons eligible as journalists must be German citizens; they must never have lost their civic rights or the qualifications required to hold public office; they must be of Aryan descent and not married to non-Aryans;⁵¹ they must be trained in journalism and possess the "qualities required for the task of influencing public opinion." Exceptions may be made in regard to German citizenship, training and even in the Aryan requirement, but only with the consent of the Minister of Enlightenment and Propaganda upon request of the director of the State Journalists' Association. Every journalist must be a registered member of such a state association, all of which are grouped together in the *Reichsverband der deutschen Presse*, whose director is appointed by Dr. Goebbels. The press law also lays down rules as to what may not be published:

"Everything confusing individual with general aims in a manner to lead public opinion astray; everything designed to weaken the strength of the German Reich abroad or at home, the common will of the German people, fitness for military service, culture or commerce or anything which insults the religious feelings of others; everything offensive to the honor and dignity of a Ger-

man; everything which, contrary to law, harms the honor or well-being of another, hurts his reputation or makes him a laughing-stock or puts him in a contemptible light; everything which for other reasons is immoral."

The German press has suffered considerably from loss of circulation under the Nazi régime. The uniformity and lack of color which have resulted from the censorship, together with the dearth of publishable news and the weakness of editorial comment, have caused many to stop reading the papers; almost 400 dailies have voluntarily suspended publication since the Nazis came to power.⁵² Speaking to the leaders of the German press association on April 20, Dr. Goebbels chided the assembled editors for the dullness of the press and stated that the Nazis would prefer not to be praised so warmly by the very men who formerly were their bitterest enemies. He also demanded responsible criticism, but declared: "I cannot make the press more courageous than it is. If it has not the courage to represent an honest conviction, one cannot expect it to present a many-sided picture."⁵³ Nevertheless, an editor who took Dr. Goebbels at his word and published an article addressed to him and entitled "Mr. Minister, a Word, Please," was promptly arrested and his paper banned.⁵⁴ On May 8, however, the Propaganda Minister promulgated a decree relaxing somewhat the drastic press restrictions. According to this new measure, "so far as the requirements of state permit, embargoes on news and reporting are to be avoided . . . The proclamation of an embargo on reporting certain questions, events, incidents, injunctions, etc., is to be considered as an exception and not as a rule." The decree states further that the press is to be granted "as much free scope as possible" editorially, but "within the limits prescribed by the press law. Preference is to be given to free commentary by newspapers, according to their own point of view. They should, therefore, be allowed to state their own opinion on all questions. Compulsory notices are to be issued only from official sources." This last ruling is apparently an attempt to restrain irresponsible Nazi district leaders from dictating to the local papers. In the final analysis, the degree of latitude which the German press will be allowed to enjoy still depends on the desires of Dr. Goebbels.

The same limitation applies to all cultural activities in the Third Reich. Officials of the Cultural Chambers declare that "the state has the right to demand that the arts reflect the spirit in which the German people is directing its future . . . The future Reich will neither be determined by a one-sided militarism nor by an undisciplined democracy

49. *Reichsanzeiger*, 1933, p. 225.

50. For English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 29; for German texts, cf. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, IV, p. 530 et seq.; *Reichsgesetzblatt* (1933), I, p. 713.

51. The "grandmother clause" of the Civil Service Law is the definition of non-Aryan applied. Cf. Wertheimer, "The Jews in the Third Reich," cited.

52. *New York Herald Tribune*, May 9, 1934.

53. *Voelkischer Beobachter*, April 21, 1934.

54. *New York Herald Tribune*, May 9, 1934.

but by an inner valor, by a soldierly spirit."⁵⁵

The law establishing the Reich Cultural Chamber contains no provision directly barring Jews from membership. This omission was rectified by Dr. Goebbels, however, in a speech to the heads of the seven cultural chambers delivered on February 7, 1934. The Minister of Propaganda expressed his surprise that Jews were seeking work in the cultural field and said that this development must be stopped by barring Jews from membership in the cultural associations on the grounds of unreliability or unfitness.⁵⁶

EDUCATION UNDER THE NAZIS

The only phase of German cultural life not under the direct leadership of Dr. Goebbels is the educational system. Before the advent of the Hitler régime, the German schools and universities had been administered by the various states, and the Reich was thus only indirectly concerned. On May 1, 1934, however, in line with the centralization of all power in the Reich government, Hitler created a Reich Ministry for Science, Education and Popular Culture and appointed Dr. Rust⁵⁷ as its head, with a portfolio in the Reich government.⁵⁸ Thus the German states have lost another of their important prerogatives.

Long before the establishment of the Reich Ministry, the Nazis had not only taken over the various state Ministries of Education, but had thoroughly coordinated the schools and universities. Teachers and professors in Germany are classed as officials and are, therefore, subject to the provisions of the Civil Service Law,⁵⁹ as a result of which many were ousted from their positions. Furthermore, as early as April 25, 1933 Hitler promulgated a law "against the over-crowding of the German universities" which strictly limits the students admitted to a number consistent with the professions for which they wish to prepare themselves.⁶⁰ The number of students to be admitted for the final examination (*Abitur*), which must be passed before entrance to a university, was placed at 15,000 for the year 1934.⁶¹ There is, furthermore, a strict *numerus clausus* provision which limits the enrollment of "non-Aryan" students to the proportion of "non-Aryans" in the total population of the Reich.⁶²

55. *Deutsche Kultur im Neuen Reich: Wesen, Aufgabe und Ziel der Reichskulturkammer*, edited by Ernst Adolf Dreyer in cooperation with the presidents and counsellors of the Cultural Chambers (Berlin, Schöffen-Verlag, 1934), p. 134 et seq.

56. *Voelkischer Beobachter*, February 9, 1934.

57. Dr. Rust had been Nazi Minister of Education in Prussia and Reich Commissioner of Education. A former school teacher, before Hitler's advent to power he had been a Nazi Gau leader in Hanover.

58. *Frankfurter Zeitung*, May 1, 1934.

59. Wertheimer, "The Jews in the Third Reich," cited. Cf. p. 105.

All German students—"non-Aryans" are excluded from the student organization—after they are once enrolled in a university or technical school, are organized in the Reich Corporation of Students (*Reichsschaft der Studierenden*) which was set up by the Hitler government on February 13, 1934. It has a detailed and complicated constitution⁶³ which applies to all students in the "German language area," and defines the purpose of the organization as "educating students, through their obligations to Storm Troop and labor service and by political training, to become German men conscious of the national honor and trained to bear arms and give responsible and selfless service to the people and the state." The Storm Troops are charged with the military and political education of the students, and complete power rests in the hands of the Reich leader of the Students' Corporation who is appointed by the Reich Minister of the Interior.

The new organization of German students is officially designed to break down class barriers and unite brain and brawn. It abolishes the last vestige of academic freedom—long one of Germany's most prized attributes—and appears to place more stress on heroic training than on intellectual achievement, as is evidenced by the fact that all students who have passed their final preparatory examinations and intend to continue their studies are required to complete six months' compulsory labor service.⁶⁴ German youth is thus receiving a thorough grounding in Nazi principles, with particular emphasis on racial "science" and military training, for the National Socialists are the sole arbiters of German education.

In less than a year and a half the Nazis have entirely reorganized the political and constitutional structure of Germany and concentrated all power in the hands of the Reich government. This power of the Executive, moreover, is not checked and balanced by an elected legislature; the Nazis have not established a corporate parliament on the Italian or Austrian model, even though such a parliament would be little more than rubber stamps. For the present at least, Hitler and his advisers control the destinies of the German people.

60. English text, cf. Pollock and Heneman, *The Hitler Decrees*, cited, p. 52; for German texts, cf. Joachim Haupt, "Neuordnung im Schulwesen und Hochschulwesen," *Das Recht der nationalen Revolution*, cited, V; Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, II, p. 365 et seq.; *Reichsgesetzblatt* (1933), I, p. 225.

61. Decree of January 12, 1934. Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, VI, p. 392.

62. For details, cf. Wertheimer, "The Jews in the Third Reich," cited.

63. Text in Hoche, *Die Gesetzgebung des Kabinetts Hitler*, cited, VI, p. 394 et seq.; *Reichsgesetzblatt* (1934), I, p. 76; *Der Deutsche Student*, organ of the *Deutsche Studentenschaft*, March 1934.

64. *Frankfurter Zeitung*, February 10, 1934.